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DEPOSITION OF SCOTT BOYHER  
TAKEN ON BEHALF OF THE PLAINTIFFS  
NOVEMBER 21, 2018

Exhibit P

SCOTT BOYHER 11/21/2018

Page 2

1 INDEX OF EXAMINATION

2

3 Direct Examination by Ms. Steffan Page 5

4 Cross-Examination by Mr. Wheaton Page 92

5

6

7 INDEX OF EXHIBITS

8

9 Plaintiff's Exhibit 1 Page 53

10

11

12 (The exhibit was retained by Ms. Steffan.)

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11 DEPOSITION OF SCOTT BOYHER, produced, sworn,  
and examined on the 21st day of November, 2018,  
12 between the hours of 9:15 a.m. and 11:30 a.m. of  
that day, at St. Louis City Hall, 1200 Market  
13 Street, St. Louis, Missouri 63103, before AMANDA N.  
FARRAR, a Certified Court Reporter of the State of  
14 Missouri.

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Page 4

1 APPEARANCES

2 For the Plaintiffs:

3 MS. JESSIE STEFFAN  
4 American Civil Liberties Union of  
Missouri  
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5 St. Louis, Missouri 63101  
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6 (314) 652-3114

7  
8 For the Defendant:

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10 Saint Louis, Missouri 63103  
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11 (314) 622-3361

12  
13 The Court Reporter:

14 MS. AMANDA N. FARRAR, CCR  
Alaris Litigation Services  
711 North Eleventh Street  
15 St. Louis, Missouri 63101  
(314) 644-2191

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Page 5

1 (The deposition commenced at 9:15 a.m.)

2 SCOTT BOYHER,

3 of lawful age, being produced, sworn, and examined

4 on behalf of the Plaintiffs, deposes and says:

5 DIRECT EXAMINATION

6 BY MS. STEFFAN

7 Q. Good morning, Lieutenant Boyher.

8 A. Good morning.

9 Q. If you could, please, say and spell your  
10 name for the record first.

11 A. Scott Boyher, B-O-Y-H-E-R.

12 Q. And the court reporter introduced me,  
13 but I'm Jessie Steffan. I am attorney for the  
14 plaintiffs in the case Ahmad vs. City of St. Louis.

15 Have you ever been deposed before?

16 A. Yes.

17 Q. So I assume you're familiar generally  
18 with the ground rules. It's important to speak  
19 audibly so that the court reporter can take down the  
20 record. If you answer a question, I will presume  
21 that you understood the question. So if you don't  
22 understand the question, you should say something  
23 and I will attempt to restate. And you can also  
24 take a break at any time as long as there's not a  
25 question hanging out there in the air. If that's

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1 the case, then I'd ask you answer the question  
2 before we go on a break. Do you understand?

3 A. Yes.

4 Q. Have you taken any medications that  
5 could affect your ability to be truthful or to  
6 remember things for this deposition?

7 A. No.

8 Q. And do you have any health conditions  
9 that affect your ability to remember or to testify  
10 truthfully?

11 A. No.

12 Q. Did you do anything to prepare for  
13 today's deposition?

14 A. Yes.

15 Q. What did you do?

16 A. I watched some film footage and read the  
17 part of the -- part of a report.

18 Q. I'm sorry. You said you read part of  
19 what?

20 A. A police report.

21 Q. What police report was that?

22 A. I don't -- I don't know the complaint  
23 number.

24 Q. What did it pertain to?

25 A. The extraction of the buses the CDT team

1     were on.

2                   **Q.     And what did you watch footage of?**

3                   A.     Film footage over weeks of civil unrest  
4     in downtown.

5                   **Q.     Do you know where that footage was**  
6     **taken?**

7                   A.     All over the city.

8                   **Q.     How many hours of footage would you say**  
9     **you watched in preparation?**

10                  A.     It's several. I don't know.

11                  **Q.     And they were videos that were taken at**  
12     **different locations downtown?**

13                  A.     Yes.

14                  **Q.     All downtown St. Louis, though?**

15                  A.     All mine were downtown, yes.

16                  **Q.     Is there anything else that you did to**  
17     **prepare for today's deposition?**

18                  A.     Not that I'm aware of.

19                  **Q.     Did you speak to anyone in preparation?**

20                  A.     Yes.

21                  **Q.     Other than your attorneys, did you speak**  
22     **to anyone in preparation?**

23                  A.     No.

24                  **Q.     Did you review any documents other than**  
25     **the video footage that you mentioned and the police**

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1     **report that you read part of?**

2             A.     I glanced over the, what is it, the, the  
3     log. There's a logbook. I glanced over a copy of  
4     those and the probable cause statement I believe.

5             **Q.     When you say the logbook, that's the**  
6     **handwritten, like, command staff logbook? Is that**  
7     **what we're talking about?**

8             A.     The logbook, I believe it -- yes, it  
9     would have been by the dispatcher or command  
10    logbook.

11            **Q.     And it's a handwritten document --**

12            A.     Yes.

13            **Q.     -- if it's what I'm thinking of?**

14                    And you said you read a probable cause  
15    statement as well. What probable cause statement  
16    was that?

17            A.     I'm unsure.

18            **Q.     Who did it pertain to?**

19            A.     It pertained to the civil unrest  
20    downtown.

21            **Q.     Which one?**

22            A.     I don't know.

23            **Q.     What was the probable cause for?**

24            A.     I don't know.

25            **Q.     You don't know what kind of crime or**



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1 anything?

2 A. No.

3 Q. When did you read that probable cause  
4 statement?

5 A. Yesterday.

6 Q. And did you review any communications in  
7 preparation for today's deposition, emails, text  
8 messages, listen to voice mails, anything like that?

9 A. No.

10 Q. I'm not asking for your address, but  
11 where do you live approximately?

12 A. Within the City of St. Louis.

13 Q. And how old are you?

14 A. 52.

15 Q. Did you graduate from high school?

16 A. Yes.

17 Q. Where did you attend high school?

18 A. Francis Howell.

19 Q. I'm from St. Peters myself.

20 And did you graduate from a police  
21 academy?

22 A. Yes.

23 Q. The St. Louis Police Academy?

24 A. St. Louis County.

25 Q. When did you attend St. Louis County

1     **Police Academy?**

2             A.     In the '80s.

3             **Q.     Fair enough.**

4                     **Did you graduate from college?**

5             A.     No.

6             **Q.     Did you attend any college?**

7             A.     Some.

8             **Q.     Where did you attend college?**

9             A.     I took some classes at Meramec and  
10     continuing education at the police academy.

11            **Q.     And that continuing education, is that**  
12     **St. Louis County Police Academy or --**

13            A.     City.

14            **Q.     Have you ever served in any branch of**  
15     **the military?**

16            A.     No.

17            **Q.     And did you ever begin the recruitment**  
18     **process for any branch of the military?**

19            A.     No.

20            **Q.     Do you have any medical training?**

21            A.     No.

22            **Q.     You're not a first -- you didn't do**  
23     **first responder training or EMT training?**

24            A.     I've had basic first responder training,  
25     yes.

1 Q. Do you have any correctional training?  
2 Have you ever worked as a correctional officer or --

3 A. No.

4 Q. I'm going to try not to speak over you.  
5 If you would try to let me answer -- finish asking  
6 my question before you answer.

7 Do you have a driver's license?

8 A. Yes.

9 Q. And do you have any specialized driving  
10 training, like, you have a commercial license or  
11 anything like that?

12 A. No.

13 Q. Do you have any restrictions on your  
14 driving license? For example, I have to wear  
15 glasses when I drive.

16 A. I don't believe so.

17 Q. Have you ever been convicted of a crime?

18 A. No.

19 Q. How about an infraction or an ordinance  
20 violation?

21 A. No.

22 Q. Have you ever been prosecuted for a  
23 crime?

24 A. No.

25 Q. And have you ever been arrested?

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1 A. No.

2 Q. Currently what is your assignment within  
3 St. Louis Metropolitan Police Department?

4 A. I'm a lieutenant with the bike patrol.

5 Q. How long have you had that rank,  
6 lieutenant?

7 A. Which job are you speaking of?

8 Q. At what point -- at what time were you  
9 promoted to the rank of lieutenant?

10 A. Approximately ten years ago -- eight  
11 years ago. I'm sorry.

12 Q. And my understanding is your current  
13 role is as commander of the bike response team; is  
14 that right?

15 A. Correct.

16 Q. And how long have you been in that role?

17 A. Roughly two-and-a-half years.

18 Q. When did you begin your employment with  
19 the St. Louis Metropolitan Police Department?

20 A. In 1992.

21 Q. And before that you worked elsewhere; is  
22 that right?

23 A. Yes.

24 Q. Did you work in St. Louis County?

25 A. No.

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1 Q. Where did you work right before you  
2 worked at St. Louis Metropolitan Police Department?

3 A. Town and Country Police Department.

4 Q. How long were you with Town and Country?

5 A. Approximately three years.

6 Q. What was your role or your rank at Town  
7 and Country Police Department?

8 A. As a police officer.

9 Q. Did you ever work in any other law  
10 enforcement capacity other than at Town and Country  
11 or at St. Louis?

12 A. No.

13 Q. When you began your employment at  
14 St. Louis Metropolitan Police Department, what rank  
15 did you enter as?

16 A. A probationary officer.

17 Q. And how long were you a probationary  
18 officer?

19 A. Approximately a year.

20 Q. After that what rank did you attain?

21 A. Patrol officer.

22 Q. How long were you a patrol officer?

23 A. Approximately nine years.

24 Q. After you were a patrol officer, you  
25 became a lieutenant; is that correct?

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1 A. No.

2 Q. What rank did you attain after being a  
3 patrol officer?

4 A. Sergeant.

5 Q. How long were you a sergeant?

6 A. Approximately nine years.

7 Q. So all in all, how long have you been a  
8 law enforcement officer? Would it be approximately  
9 thirty --

10 A. There you go.

11 Q. Thirty years --

12 A. Yeah.

13 Q. -- is that correct?

14 And I imagine that as a patrol officer  
15 and as a probationary officer, you served in -- you  
16 had different assignments during that time?

17 A. Yes.

18 Q. In those positions, were you ever  
19 assigned to the bike response team? Did it exist at  
20 the time you were a probationary or patrol officer?

21 A. It didn't exist.

22 Q. When you became a sergeant, what was  
23 your assignment or your role?

24 A. At which point?

25 Q. What did you spend the majority of your

1 time doing when you were a sergeant?

2 A. Patrol, you know.

3 Q. And when you became a lieutenant, you  
4 did something before you became commander of bike  
5 response team; is that right?

6 A. Yes.

7 Q. What other roles did you have as a  
8 lieutenant?

9 A. I was a patrol lieutenant and a special  
10 operations lieutenant.

11 Q. What does being a patrol lieutenant  
12 entail?

13 A. Uniform patrol of our district.

14 Q. What district were you assigned to?

15 A. At which point?

16 Q. Did it change?

17 A. Yes.

18 Q. How long were you a patrol lieutenant?

19 A. At which point?

20 Q. My understanding is you were a  
21 probationary officer for about a year, a patrol  
22 officer for about nine years, a sergeant for about  
23 nine years and then you became a lieutenant; is that  
24 right?

25 A. Yeah.

1           Q.    And you were first a patrol lieutenant  
2   when you first attained the rank of lieutenant,  
3   right?

4           A.    Yes.

5           Q.    How long were you a patrol lieutenant in  
6   total?

7           A.    Several years.

8           Q.    And you were assigned to different  
9   districts throughout that time?

10          A.    Yes.

11          Q.    And then you were a special operations  
12   lieutenant; is that right?

13          A.    Correct.

14          Q.    At sort of a general level, what does  
15   that mean, to be a special operations lieutenant?

16          A.    I was assigned just to special  
17   operations unit.

18          Q.    Is that something other than SWAT?

19          A.    Yes.

20          Q.    What is the special operations unit?

21          A.    The special operations unit is a  
22   detective unit.

23          Q.    So it's investigatory mostly?

24          A.    Yes.

25          Q.    So currently you're a lieutenant and



1 **commander of the bike response team?**

2 A. Yes, ma'am.

3 **Q. What are your current job**  
4 **responsibilities?**

5 A. My current responsibilities are  
6 patrolling -- supervising the patrolling of  
7 downtown.

8 **Q. What are the boundaries of downtown?**

9 MR. WHEATON: Objection; form.

10 Subject to that, you can answer, if you  
11 know.

12 A. The area that I'm responsible for?

13 **Q (By Ms. Steffan) Yes.**

14 A. The area that I'm responsible for is  
15 Spruce to -- would be Spruce roughly to Cass, the  
16 river to 16th Street, 17th Street.

17 **Q. That is roughly the area that the bike**  
18 **response team is responsible for patrolling; is that**  
19 **right?**

20 A. The bike -- the bike patrol, that's  
21 their primary area.

22 **Q. And as the commander of the bike unit,**  
23 **how do your responsibilities differ from just a line**  
24 **officer, police officer who is assigned to that**  
25 **unit? What do you do differently?**

1 A. Supervisor.

2 Q. What does that mean?

3 A. I supervise the officers.

4 Q. On sort of a day-to-day basis, what does  
5 that entail that you actually do?

6 A. I would supervise the officers and their  
7 patrol plan.

8 Q. If I understand correctly, you're  
9 telling the officers where they should go in that  
10 area; is that right?

11 A. Yes.

12 Q. Can you describe sort of your typical  
13 workday?

14 A. My typical workday would be: I come in  
15 and I do roll call. If we have any -- we discuss  
16 events that happened the night before, if there's  
17 work that needs, needs to be done on them, citizen  
18 complaints that have come in on where we need to  
19 patrol, administrative duties. That's, that's a  
20 basic day.

21 Q. So after roll call is over, is that when  
22 you sort of begin your administrative duties?

23 A. No.

24 Q. What happens after roll call for you?

25 A. It depends on the day.

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1 Q. Sometimes are you out patrolling?

2 A. Yes.

3 Q. And sometimes you're doing something  
4 other than patrolling, right?

5 A. Correct.

6 Q. And how do your shifts work? Do you  
7 come in in the morning and you finish in the  
8 evening, or do you have some other kind of work  
9 plan?

10 A. Are you -- you're saying as bike unit or  
11 myself?

12 Q. Yourself.

13 A. My hours fluctuate.

14 Q. By week or by multi-week period?

15 A. It could be daily.

16 Q. Do you ever work overnight?

17 A. What do you mean by -- I don't  
18 understand the question.

19 Q. Do you set your own schedule or does  
20 somebody set your schedule for you?

21 A. I set my schedule.

22 Q. And is it fair to say you just work when  
23 necessary; is that right?

24 MR. WHEATON: Objection to form.

25 Subject to that, you can answer.

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1           Q     (By Ms. Steffan) I mean how many hours  
2     do you work in a week?

3           A.     A minimum of 40, but usually much more  
4     than that.

5           Q.     That's what I'm trying to say. You  
6     might work many more hours than 40 if you deem it  
7     necessary; is that right?

8           A.     Correct.

9           Q.     Are there set periods that you have to  
10    have off?

11          A.     No.

12          Q.     When you attained the rank of  
13    lieutenant, did you receive any additional training  
14    other than your annual in-service training?

15          A.     Didn't understand the question.

16          Q.     Is there training that comes with a  
17    promotion to lieutenant?

18          A.     Yes.

19          Q.     What kind of training is that?

20          A.     I'm not sure. I don't recall. It was  
21    administrative. It's a three-day training at the  
22    time of getting promoted.

23          Q.     When you first became commander of the  
24    bike unit, did you receive any additional training?

25          A.     Yes.

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1 Q. What kind of training was that?

2 A. Received bike training and bike response  
3 team training.

4 Q. What does bike training entail?

5 A. How to ride a bike.

6 Q. What does bike response team training  
7 entail?

8 A. How to operate as a policing unit on a  
9 bicycle.

10 Q. Other than being promoted, have you  
11 received other commendations during your tenure with  
12 St. Louis?

13 A. Yes.

14 Q. What commendations are those?

15 A. A Meritorious Service, captain's  
16 letters, chief's letters. That's all I can recall.

17 Q. Have you ever been disciplined during  
18 your tenure at St. Louis?

19 A. No.

20 Q. Have you ever received a written  
21 reprimand?

22 A. Not that I recall.

23 Q. Not a verbal reprimand?

24 A. Not that I recall.

25 Q. Have you ever been told that you needed

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1 to be retrained on a department policy?

2 A. Not that I recall.

3 Q. Do you know if anyone has ever filed a  
4 citizen complaint against you?

5 A. Yes.

6 Q. Do you recall the specific  
7 circumstances?

8 MR. WHEATON: Objection to form.

9 Subject to that, you can answer, if you  
10 know.

11 A. I'm, I'm sorry. What was the question  
12 again?

13 Q (By Ms. Steffan) You said you do recall  
14 that someone has filed a citizen complaint against  
15 you; is that right?

16 A. Yes.

17 Q. And do you recall the circumstances of  
18 that complaint? When did it happen, for example?

19 A. I've had -- well, which one are you  
20 speaking of?

21 Q. How many times has someone filed a  
22 citizen complaint against you?

23 A. I don't know.

24 Q. More than five? Less than five?

25 A. Over which time frame?

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1 Q. Your entire tenure at St. Louis?

2 A. Over five.

3 Q. When's the most recent one that you can  
4 recall?

5 A. That was specific -- that I was  
6 specifically named, years ago.

7 Q. Can you be more specific?

8 A. Years. No.

9 Q. Two or three years ago? Ten years ago?

10 A. Longer than two or three years ago.

11 Q. What was the citizen complaining about?

12 A. I believe physical abuse.

13 Q. Was there an investigation into that  
14 complaint?

15 A. Yes.

16 Q. What was the outcome of the  
17 investigation?

18 A. I don't recall. I don't know if it was  
19 exonerated or unfounded.

20 Q. But it was one of those two things?

21 A. Yes. I was not found guilty of it.

22 Q. Do you recall any other specific citizen  
23 complaints?

24 A. No.

25 Q. Have you ever been subject to review

1 just because of the number of uses of force you used  
2 in a certain period of time?

3 A. Not that I recall.

4 Q. Have you ever filed a complaint about  
5 another officer's conduct in the course of their  
6 duties?

7 MR. WHEATON: You're asking about a  
8 formal complaint?

9 Q. (By Ms. Steffan) A written document,  
10 yeah.

11 Have you ever written a complaint in  
12 which you have alleged that another officer did  
13 something improper in the course of carrying out  
14 their duties?

15 A. Yes.

16 Q. When was that?

17 A. I don't know.

18 Q. How long ago?

19 MR. WHEATON: Objection; foundation.

20 Q. (By Ms. Steffan) You can answer.

21 A. I'm, I'm trying to figure -- I'm trying  
22 to remember. The last one, maybe a year and a half  
23 ago roughly.

24 Q. And what did you allege?

25 A. The officer didn't do a thorough



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1 investigation.

2 Q. Into a crime that had been committed?

3 A. Correct.

4 MR. WHEATON: I want to be certain we're  
5 in agreement that any excerpts of this deposition  
6 transcript that pertain to any discipline or  
7 allegations of misconduct that's reflected in  
8 personnel files be confidential and subject to a  
9 protective order. I assume there is one in place in  
10 this case.

11 MS. STEFFAN: I don't recall if there is  
12 to be honest. We'll treat it -- if there is,  
13 we'll -- and it meets the qualifications for being  
14 confidential, then we'll treat as confidential.

15 Q. (By Ms. Steffan) Have you ever filed a  
16 complaint about another officer's use of force?

17 A. Not that I'm aware of.

18 Q. Have you ever counseled or reprimanded  
19 officers under your command in the bike unit for use  
20 of force?

21 A. Can you restate that question?

22 Q. Sure.

23 Have you ever counseled or reprimanded  
24 an officer, subject to your command as part of the  
25 bike unit, for his or her use of force?

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1 A. No.

2 Q. How many lieutenants are there in the  
3 St. Louis Metropolitan Police Department?

4 A. At this point, I don't know.

5 Q. Do you know approximately, more than  
6 ten, less than ten?

7 A. More than ten. Roughly 60, I imagine.

8 Q. More than ten, less than 25; is that  
9 correct?

10 A. No. More than 25.

11 Q. Oh, 60. Is that what you said?

12 A. Yeah.

13 Q. How about captains, approximately?

14 A. Approximately ten.

15 Q. How many officers belong to the bike  
16 unit?

17 A. Believe it's either 22 or 24.

18 Q. Do I understand correctly that that's,  
19 like, a permanent assignment?

20 A. The bike unit, yes.

21 Q. When was the bike unit created, if you  
22 know?

23 A. I don't know.

24 Q. Trying to think back of now what you've  
25 testified about your employment history.

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1                   Did you -- were you a patrol officer  
2   with the bike unit before you were a lieutenant and  
3   commander of the bike unit, or is that the position  
4   in which you entered the bike unit?

5                   A.    I entered as a lieutenant.

6                   Q.    Do all officers who are assigned to the  
7   bike unit get that bike response team training and  
8   the bike training that you mentioned that you had  
9   received?

10                  A.    Yes.

11                  Q.    Do you conduct training as commander of  
12   the bike unit?

13                  A.    Do I conduct it? No.

14                  Q.    That training is through the academy; is  
15   that right?

16                  A.    No.

17                  Q.    Who administers that training?

18                  A.    Which training?

19                  Q.    The bike response team training and the  
20   bike training?

21                  A.    The bike -- we have trainers that  
22   train -- certified trainers that train for the  
23   bikes, and then we have bike response team trainers  
24   and outside people that -- outside agencies that  
25   come in and train.

1           Q.    So there's both internal trainers and  
2   external trainers?

3           A.    Correct.

4           Q.    The bike response team sometimes works  
5   with the civil disobedience team; is that correct?

6           A.    Correct.

7           Q.    To your knowledge, what is the role of  
8   the civil disobedience team?

9           A.    To respond to civil unrest.

10          Q.    When you say civil unrest, what do you  
11   mean?

12          A.    Large, large crowd management.

13          Q.    So civil unrest is when there's a large  
14   crowd?

15          A.    Large crowd management when there's  
16   perceived public safety issues.

17          Q.    To the best of your knowledge, how many  
18   officers are assigned to the civil disobedience  
19   team?

20          A.    I don't know.

21          Q.    Do you know approximately?

22          A.    No.

23          Q.    Do you know if that's a permanent  
24   assignment as well like the bike unit is?

25          A.    It is not.

1           Q.    So if I understand correctly, officers  
2   who are assigned to the civil disobedience team have  
3   additional other assignments that they fulfill at  
4   other times; is that right?

5           A.    Correct.

6           Q.    Can a person be dual assigned to the  
7   bike unit and also to the civil disobedience team?

8           A.    Yes.

9           Q.    Do you have any officers that fulfill  
10 both roles right now?

11          A.    They do not fulfill -- they're assigned  
12 to both, but they're -- if they're assigned to the  
13 bikes, they remain with the bikes.

14          Q.    I guess I don't understand what you're  
15 saying. If they're assigned to the bikes at a  
16 particular incident, they remain with the bikes; is  
17 that right?

18          A.    No. If they're assigned -- there's  
19 people that -- if they're assigned to the bikes and  
20 they were previously assigned to the civil  
21 disobedience team, they will stay with the bikes.  
22 They will not go with the civil disobedience team.

23          Q.    To your knowledge, what kind of training  
24 is given to an officer who is assigned to the civil  
25 disobedience team?

1           A.     Formation training, civil disobedience  
2     response training.

3           **Q.     And what is civil disobedience response**  
4     **training?**

5           A.     How to maneuver in formations in unison  
6     with other police.

7           **Q.     Earlier you used the term civil unrest.**  
8     **Do you think there is a difference between civil**  
9     **unrest and civil disobedience?**

10          A.     Yes.

11          **Q.     What is the difference?**

12          A.     I would -- my perception is civil unrest  
13     would be a group that is unhappy or protesting  
14     something, which isn't perceived as criminal at all.  
15     And then what was the question again?

16          **Q.     To your knowledge, what is the**  
17     **difference between civil unrest and civil**  
18     **disobedience?**

19          A.     Civil disobedience would be acting out  
20     in a criminal matter or violating crimes during your  
21     protest.

22          **Q.     My understanding is you sometimes also**  
23     **work with the documentation team; is that right?**

24          A.     No, I do not work with the documentation  
25     team.

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1           Q.    What is the role of the documentation  
2   team to your knowledge?

3           A.    To document incidents.

4           Q.    Do you know how big that group is?

5           A.    No.

6           Q.    Do you ever give statements to the  
7   documentation team?

8           A.    Yes.

9           Q.    When's the last time you did that, if  
10   you recall?

11          A.    During, during the civil unrest  
12   downtown.

13          Q.    Last September and October, 2017; is  
14   that what you're referring to?

15          A.    Yes.

16          Q.    Do you also sometimes work with the SWAT  
17   team?

18               MR. WHEATON:  You're asking about  
19   currently?

20          Q.    (By Ms. Steffan)  As commander of the  
21   bike unit.  Does the bike unit ever work with the  
22   SWAT team?

23          A.    No.

24          Q.    Does the bike unit ever work with  
25   special operations?

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1 A. No.

2 Q. I would like to ask you to direct your  
3 attention back to September and October of 2017 and  
4 to the St. Louis Metropolitan Police Department's  
5 response to those protests. So you understand  
6 generally the time frame and the events that I'm  
7 talking about; is that right?

8 A. Yes.

9 Q. At that time you were still commander of  
10 the bike unit; is that right?

11 A. Yes.

12 Q. When did you first hear about the  
13 Stockley case?

14 A. Weeks before the ruling.

15 Q. And when did you find out that a verdict  
16 had been issued?

17 A. I think -- I think it was -- I don't  
18 know.

19 Q. Did you anticipate that there would be  
20 protests in response to the Stockley verdict?

21 A. Yes.

22 Q. What did you do to prepare for those  
23 protests?

24 A. I participated in training with the  
25 bicycle response team.



1           **Q.    Who decided that the bicycle response**  
2   **team needed to be trained?**

3           A.    I don't know.

4           **Q.    Was it you or was it someone else?**

5           A.    It's above me.

6           **Q.    What did the training include?**

7           A.    To teach how to use bicycles for large  
8 crowd management.

9           **Q.    How long was the training?**

10          A.    I don't recall.

11          **Q.    More than a day?   Less than a day?**

12          A.    More than a day.

13          **Q.    More than a week?   Less than a week?**

14          A.    Roughly a week.

15          **Q.    Was there any other additional training,**  
16 **besides that training, that you participated in as**  
17 **part of the predicted protests?**

18          A.    That was it.

19          **Q.    Was there anything else that you or your**  
20 **unit did to prepare for those protests?**

21          A.    Yes.

22          **Q.    What else did you do?**

23          A.    We audited our equipment, made sure our  
24 equipment was operational.

25          **Q.    Does that include things other than your**

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1     **bicycles?**

2             A.     Yes.

3             **Q.     What else does that include?**

4             A.     Protective gear, vehicles, maintenance  
5     equipment, uniforms.

6             **Q.     When you say protective equipment, what**  
7     **are you referring to?**

8             A.     Shin guards, helmets, vests.

9             **Q.     Are uniforms assigned to individual**  
10    **officers or are they shared?**

11            A.     They're assigned to particular officers.

12            **Q.     Are officers' names on their uniforms?**

13            A.     Yes.

14            **Q.     Where is that displayed?**

15            A.     On the upper right chest.

16            **Q.     You recall that the verdict in the**  
17    **Stockley case was issued on Friday, September 15th,**  
18    **is that correct, of 2017?**

19            A.     Yes.

20            **Q.     Did you work that day?**

21            A.     Yes.

22            **Q.     What time did you start work?**

23            A.     Approximately 7 o'clock.

24            **Q.     What was the first thing you did when**  
25    **you arrived at work?**

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1 A. Drank a cup of coffee.

2 Q. That's a good way to start the day.

3 After that what happened?

4 A. We, we got our equipment together.

5 Q. When you say "we," you're talking about  
6 the bike unit?

7 A. Yes, ma'am.

8 Q. What happened after that?

9 A. We staged.

10 Q. What does staging mean?

11 A. We were prepared to deploy and move all  
12 personnel to any particular location that we were  
13 directed to go.

14 Q. Where were you staged?

15 A. At Ninth, 215 North Ninth.

16 Q. Indoors? Outdoors?

17 A. At the police -- at the bike station.

18 Q. So is that outdoors?

19 A. It's both. I mean, it's the size of  
20 this room.

21 Q. You all squished together?

22 A. Right. So you have people inside and  
23 outside.

24 Q. All right. How long did you remain  
25 staged at 215 North Ninth?

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1 A. At what time?

2 Q. The morning when you had just arrived,  
3 drank your coffee, checked your equipment, got  
4 staged, how long were you staged at that time?

5 A. Until I was asked to move everybody to  
6 Tucker and Clark.

7 Q. Who were you asked by?

8 A. Whoever -- dispatch. I don't...

9 Q. Was dispatch relaying an order from  
10 someone else?

11 A. Somebody above my command.

12 Q. Approximately what time was that request  
13 given?

14 A. Roughly 8:45.

15 Q. At that point, to your knowledge, had  
16 the verdict been issued?

17 A. I don't -- I don't know.

18 Q. What happened after you deployed to  
19 Tucker and Clark?

20 A. We staged.

21 Q. At that location?

22 A. (The witness nodded his head.)

23 Q. And how long were you staged there  
24 approximately?

25 A. I don't -- an hour.

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1 Q. Is this the full bike unit at this  
2 point, about 20 to 25 officers or some subset of  
3 that?

4 A. I'm sorry. Can you repeat that, please?

5 Q. I think you testified earlier that there  
6 are about 22 to 24 officers assigned to the bike  
7 unit; is that correct?

8 A. That's correct.

9 Q. So at the time that you deployed to  
10 Tucker and Clark on September 15th, 2017, was that  
11 20 to 25 officers or was it some smaller or larger  
12 number?

13 A. It was a larger number.

14 Q. Who was additionally deployed in  
15 addition to the bike unit?

16 A. The bicycle response team, the auxiliary  
17 bicycle response time.

18 Q. That's my mistake. I didn't understand  
19 those are two different units.

20 What is the difference between the  
21 bicycle response team and the bike unit?

22 A. The bike unit is a permanent unit that's  
23 responsible for policing the business area of  
24 downtown. The bicycle response team incorporates  
25 the bike unit and an auxiliary unit which is

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1 officers from throughout the city that have been  
2 bike trained.

3 Q. I understand.

4 How large is the bicycle response team?

5 A. Roughly 60 officers.

6 Q. So if I understand correctly, that's  
7 20-ish permanent officers who patrol as part of the  
8 bike unit, plus 60 auxiliary officers who are  
9 assigned to other duties, but also have been bike  
10 trained and act as part of a bicycle response  
11 team; is that correct?

12 A. Total personnel -- total personnel in  
13 the bike unit -- allotted personnel is 27 people.  
14 The rest are auxiliary. So you have roughly 32  
15 other police personnel that are auxiliary.

16 Q. So 60-ish total personnel?

17 A. Correct.

18 Q. I understand.

19 After you and all of those personnel  
20 deployed to Tucker and Clark, you remained about an  
21 hour. Is that what you said?

22 A. I'm unsure of how long we were staged  
23 there.

24 Q. What was the next thing you did after  
25 staging at Tucker and Clark?

1 A. We had to move out of that area.

2 Q. Where did you move?

3 A. To 14th and Spruce.

4 Q. And why did you have to move out of that  
5 area?

6 A. Large crowds of protesters had taken the  
7 streets and were heading towards our location.

8 Q. So if I understand correctly, you're  
9 moving away from the protesters, not towards the  
10 protesters at that point?

11 A. Correct.

12 Q. At that point you went to 14th and  
13 Spruce; is that correct?

14 A. Yeah.

15 Q. How long were you there?

16 A. I don't know.

17 Q. Were you staged there or were you doing  
18 something else?

19 A. We staged.

20 Q. If I understand correctly, 14th is two  
21 blocks west of Tucker; is that correct?

22 A. Yes.

23 Q. And Spruce is just south of Market; is  
24 that correct?

25 A. Correct.

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1 Q. Were there protesters in the area that  
2 you moved to at 14th and Spruce at that point?

3 A. At that point, no.

4 Q. What happened after you staged there?

5 A. At what point?

6 Q. What was the next thing that happened  
7 after you staged at 14th and Spruce?

8 A. I don't know.

9 Q. You agree you moved from that location  
10 at some point?

11 A. Yes.

12 Q. Was that afternoon by that point?

13 A. It was sometime after we staged.

14 Q. Did you encounter protesters that  
15 afternoon?

16 A. Yes.

17 Q. Where at?

18 A. At which point?

19 Q. The next time after you had staged at  
20 14th and Spruce?

21 A. At -- the next time we encountered  
22 protesters was at Clark and Tucker.

23 Q. When you encountered protesters at Clark  
24 and Tucker, is that when the buses were there?

25 A. Yes.



1           Q.    When you arrived at that location, the  
2   buses were already there; is that correct?

3           A.    Yes.

4           Q.    Is this part of the video you reviewed  
5   before today's deposition?

6           A.    Yes.

7           Q.    How many buses were at Clark and Tucker  
8   when you arrived?

9           A.    Two.

10          Q.    What were the buses there for?

11          A.    To transport civil disobedience officer  
12   teams.

13          Q.    What was your role on that scene? What  
14   was the point of the bike unit and the bike response  
15   team being there at Clark and Tucker?

16          A.    The protesters had blocked the buses,  
17   and there was reports that they were throwing stuff  
18   at the buses, and I was given an order to go down  
19   and try to extract the buses from the crowd.

20          Q.    So the purpose of the bike unit and the  
21   bike response team was to help extract the buses; is  
22   that correct?

23          A.    Correct.

24          Q.    Did you see anyone throwing anything?

25          A.    Yes.

1           Q.    Have you seen video of anyone throwing  
2   anything?

3           A.    Yes.

4           Q.    At Clark and Tucker?

5           A.    Yes.

6           Q.    Where did the police want to extract the  
7   buses to?

8                   MR. WHEATON:  Objection; form,  
9   foundation.

10          A.    Out of that area.

11          Q.    (By Ms. Steffan)  Do you know where to?

12          A.    Yes.  The resting for where they wanted  
13   to stage them at, no.

14          Q.    But they wanted -- the primary goal was  
15   to extract them from that area?

16          A.    Correct.

17          Q.    To go someplace where there were no  
18   protesters?

19          A.    Correct.

20          Q.    Were the buses empty or full?

21          A.    I believe they were full.

22          Q.    Of police officers?

23          A.    Yes.

24          Q.    Does a bus driver drive the bus under  
25   those circumstances or is it a police officer who

1 drives the bus?

2 A. I'm unsure who was driving the bus.

3 Q. Me, too. I can't figure it out.

4 You recall arriving at Clark and Tucker  
5 that afternoon?

6 A. Yes.

7 Q. What was your sense of what the crowd  
8 was like then?

9 MR. WHEATON: Objection; form.

10 Q. (By Ms. Steffan) Based on your  
11 experience as a police officer, what was your sense  
12 of how the crowd was at that point?

13 MR. WHEATON: Same objection.

14 A. There -- it was disobedience, they were  
15 trying to block the buses from coming out. People  
16 within the crowd were throwing items.

17 Q. (By Ms. Steffan) Was it your perception  
18 that the majority of the crowd was engaged in  
19 disobedience and throwing items?

20 A. I'm not sure of that question. Can you  
21 ask me that again?

22 Q. Was it your perception when you arrived  
23 at Clark and Tucker that a majority of the members  
24 of the crowd were throwing items and were engaged in  
25 disobedience?

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1 A. Yes.

2 MR. WHEATON: Are you asking --

3 Q. (By Ms. Steffan) Did you see protesters  
4 blocking the bus?

5 A. Yes.

6 Q. How many protesters were blocking the  
7 bus?

8 A. I don't know.

9 Q. Did you see any officers deploy any  
10 chemical agents at protesters at that scene?

11 A. At which point?

12 Q. At Clark and Tucker.

13 A. Yes.

14 Q. How many officers did you see deploy  
15 chemical agents?

16 A. I don't know.

17 Q. Less than five? More than five?

18 A. I don't know.

19 Q. Did you see more than one officer deploy  
20 chemical agents?

21 MR. WHEATON: Objection; foundation.

22 A. I know what I did. I don't --

23 Q. (By Ms. Steffan) Let's start with that.  
24 What did you do? Did you deploy any chemical  
25 agents --

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1 A. Yes.

2 Q. How many times did you deploy chemical  
3 agents?

4 A. At which point?

5 Q. While you were at Clark and Tucker and  
6 had been directed to help extract the buses there.

7 A. During the bus extraction, I deployed  
8 pepper spray roughly five or six times.

9 Q. Against five or six different  
10 individuals?

11 A. Correct.

12 Q. Did you use the individual-sized,  
13 department-issued pepper spray?

14 A. No.

15 Q. Did you use a fogger?

16 A. No, we didn't. We don't have foggers.

17 Q. What did you use to deploy pepper spray?

18 A. I used a streamer, high-capacity  
19 streamer.

20 Q. I assume you've been trained on how to  
21 use the high-capacity streamer?

22 A. Yes.

23 Q. When's the last time that you were  
24 trained on it?

25 A. I don't know.

1           Q.    More than a year ago, less than a year  
2   ago, at this point?

3           A.    I don't know.

4           Q.    What is the intended effect of a  
5   high-capacity streamer? What are you trying to  
6   accomplish by using it?

7           A.    To gain compliance. To gain compliance  
8   or stop the criminal activity that's taking place.

9           Q.    Did you arrest the individuals against  
10   whom you deployed the streamer?

11          A.    No, I did not.

12          Q.    Did you do an I/LEADS report describing  
13   your deployment of the streamer?

14          A.    I did not.

15          Q.    Earlier you testified that you saw maybe  
16   at least one other officer deployed chemical  
17   agents; is that correct?

18               MR. WHEATON: Objection; form,  
19   foundation, mischaracterizes his testimony.

20          Q.    (By Ms. Steffan) Is that not what you  
21   testified?

22          A.    I said I, I could tell you what I --  
23   when I deployed.

24          Q.    Did you see any other officers deploy  
25   chemical agents?

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1 A. Yes.

2 Q. One officer or more than one other  
3 officer?

4 MR. WHEATON: Objection; foundation.

5 A. I don't know.

6 Q. (By Ms. Steffan) It might have been one?  
7 It might have been more than one?

8 A. Correct.

9 Q. Did you review video before today's  
10 deposition in which you saw the deployment of  
11 chemical agents?

12 A. Yes.

13 Q. You saw yourself deploy chemical agents?

14 A. Yes.

15 Q. And you saw other officers deploy  
16 chemical agents?

17 A. Yes.

18 Q. On the video?

19 A. Yes.

20 Q. Do you recall how many officers you saw  
21 deploy chemical agents on the video?

22 A. I believe two.

23 Q. Could you tell if those officers  
24 arrested the individuals against whom they had  
25 deployed those chemical agents?

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1 A. No.

2 Q. Based on what you reviewed on the video,  
3 did the officers use streamers or some other form of  
4 chemical agent?

5 A. It would have been streamers.

6 Q. Is the high-capacity streamer something  
7 that is issued to each officer or only certain  
8 officers?

9 A. Certain officers.

10 Q. What officers are issued high-capacity  
11 streamers?

12 A. Supervisors and people that are holding  
13 the position of linebacker, which would be  
14 designated personnel that are behind the initial --  
15 that are assigned to be behind bike lines if a  
16 scrimmage line is put up.

17 Q. And do you know if anyone had a body  
18 camera at the Clark and Tucker --

19 A. Yes.

20 Q. -- incident?

21 Did you have a body camera?

22 A. No.

23 Q. Who had body cameras?

24 A. Matt Karnowski, Sergeant.

25 Q. And is Sergeant Karnowski in your line



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1 of command? Does that question make sense? Is he  
2 your subordinate?

3 A. Yes.

4 Q. And he is assigned permanently to the  
5 bike unit?

6 A. He was at that time.

7 Q. And he reported to you directly?

8 A. Correct.

9 Q. At that time how many sergeants did you  
10 have?

11 A. Five, I believe.

12 Q. Were all of them at Clark and Tucker?

13 A. I'm unsure.

14 Q. Sergeant Karnowski was at Clark and  
15 Tucker?

16 A. Yes.

17 Q. What ultimately happened with the  
18 bike -- I'm sorry, with the bus extraction? Were  
19 the buses able to be extracted?

20 A. Eventually, yes, both buses were  
21 extracted.

22 Q. Do you know where they were extracted  
23 to?

24 A. No.

25 Q. What did you do after the buses had been

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1       **successfully extracted?**

2               A.     We left the area.

3               Q.     Where did you go?

4               A.     I don't recall.

5               Q.     When you say "the area," do you mean  
6       downtown or just that immediate intersection?

7               A.     Immediate area.

8               Q.     But you were still working; is that  
9       correct?

10              A.     Right.

11              Q.     How long did you work that day?

12              A.     I'm unsure.

13              Q.     Did you work into the evening, if you  
14       recall?

15              A.     Yes.

16              Q.     Did you encounter protesters at any  
17       other point in that day?

18              A.     Yes.

19              Q.     When did you encounter protesters?

20              A.     I don't know.

21              Q.     We're talking about Friday,  
22       September 15th?

23              A.     Yes.

24              Q.     After the buses were successfully  
25       extracted --

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1 A. Yes.

2 Q. -- you did encounter protesters; is that  
3 correct?

4 A. Yes.

5 Q. But you don't know when?

6 A. At what point are you speaking of?

7 Q. You said afternoon into the evening of  
8 Friday, September 15th, 2017, you did encounter  
9 protesters another time that day. Where did you  
10 encounter them?

11 MR. WHEATON: Objection to form. Object  
12 to that.

13 You can answer if you understand her  
14 question.

15 A. I don't understand. At what location  
16 are we speaking of?

17 Q. (By Ms. Steffan) Any location, any time  
18 that afternoon or evening, did you -- you said you  
19 did encounter protesters?

20 A. Yes, we did.

21 Q. Where and when?

22 A. At Clark and Tucker, on 1200 Clark.

23 Q. And that was in the afternoon; is that  
24 correct?

25 A. Yes.

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1 Q. Still light outside?

2 A. Yes.

3 Q. Did you encounter protesters at any  
4 other time, that you can recall, that afternoon or  
5 that evening of September 15th?

6 A. Yes.

7 Q. Do you recall where?

8 A. Throughout downtown.

9 MR. WHEATON: Could we take a  
10 five-minute break?

11 MS. STEFFAN: Sure.

12 (A short break was taken.)

13 Q (By Ms. Steffan) I'd like to direct your  
14 attention to the evening of Sunday, September 17th,  
15 2017. So this is two days after the verdict was  
16 released. Were you working that day?

17 A. Yes.

18 Q. You were downtown; is that correct?

19 A. Yes.

20 Q. Do you recall what time you started work  
21 on Sunday, the 17th?

22 A. No.

23 Q. Do you recall if it was the morning,  
24 afternoon or evening?

25 A. No.

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1 MS. STEFFAN: At this time I'm going to  
2 show you a portion of a video that we'll refer to as  
3 Plaintiff's Exhibit 1.

4 (Plaintiffs's Exhibit 1 was marked for  
5 identification.)

6 MS. STEFFAN: And just for the record,  
7 this was a video produced by the City as City 01176.

8 I'm going to try to start it around time  
9 stamp 11:25 p.m. I'm going to move the laptop this  
10 way so we can all see it.

11 Q. (By Ms. Steffan) Have you seen this  
12 video before, just based on this still frame?

13 A. Not that -- no.

14 Q. I'm going to press play now, and we'll  
15 watch a few seconds so that we can get our bearings.

16 A. Okay.

17 Q. I'm going to stop it. We're at  
18 11:25:45.

19 You haven't seen this video before; is  
20 that correct?

21 A. Not that I -- no.

22 Q. But you know what it is showing; is that  
23 correct?

24 A. Yes.

25 Q. What does it show?

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1 A. A bunch of policemen and people under  
2 arrest at Washington and Tucker.

3 Q. Is this on September 17th, 2017?

4 A. Yes.

5 Q. Were you working this evening?

6 A. Yes.

7 Q. And are you depicted in this video?

8 I'll direct your attention down to this  
9 figure here in the bottom left corner. Is that you?

10 A. No.

11 Q. Do you know who that is?

12 A. No.

13 Q. We're going to fast-forward the video.  
14 Not fast-forward it, but play it. I'm going to stop  
15 the video for a second.

16 Do you recall what type of uniform you  
17 would have been wearing that evening?

18 A. Yes.

19 Q. What type of uniform would you have been  
20 wearing?

21 A. What I'm wearing right now.

22 Q. So for the record, that's a light blue  
23 -- or, no, white shirt?

24 A. No. It's going to be a white shirt,  
25 white polo shirt, but it will be a long sleeve.

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1 Q. So that evening you were wearing a white  
2 polo shirt with long sleeves?

3 A. Uh-huh.

4 Q. Were you wearing any protective  
5 equipment that evening?

6 A. Yes, I'm sure I was.

7 Q. What kind of protective equipment were  
8 you wearing?

9 MR. WHEATON: If you remember.

10 A. I don't recall.

11 Q (By Ms. Steffan) Were you wearing a  
12 helmet?

13 A. Yes.

14 Q. Were you wearing a gas mask?

15 A. No.

16 Q. Were you wearing a vest?

17 A. Yes.

18 Q. Would your vest have been one that was  
19 marked with "police" on the back, a black vest?

20 A. I don't recall.

21 Q. I'm playing the video again. We're now  
22 at approximately time stamp 11:26 p.m.

23 Okay. I'm going to stop the video for a  
24 moment.

25 Can you just describe what direction the

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1     **video is oriented?**

2             A.     I -- I'm trying to figure that out  
3     myself.

4             Q.     I can see -- if you direct your  
5     attention up here, this says Washington. So I know  
6     that this is Washington here going diagonal from the  
7     top left to the bottom right?

8             A.     Yes.

9             Q.     Do you know if we're facing north or  
10    south?

11            A.     That would be -- I don't know why I am  
12    having a problem here. Can you -- I don't -- I  
13    don't know. I don't know which way you're facing.  
14    You're at the intersection of Tucker and Washington.  
15    I think this is the northwest corner.

16            Q.     That is my understanding as well --

17            A.     Okay.

18            Q.     -- I think.

19                    Do you know where you were in relation  
20    to this group of people you see here at this  
21    intersection?

22                    MR. WHEATON: Objection to form. It's  
23    vague as to the time frame.

24            Q.     **(By Ms. Steffan) At this time,**  
25    **11:26 p.m., do you know where you would have been?**



1 A. No.

2 Q. Were you part of this line of officers?  
3 And I'm pointing to the circle of officers encasing  
4 the intersection of Washington and Tucker who are  
5 wearing helmets, were you part of that line?

6 A. No.

7 Q. Would you have been on the outside of  
8 that line or inside that line?

9 A. I would have been outside of that line.

10 MS. STEFFAN: If we can go off the  
11 record for one second.

12 (A short break was taken.)

13 Q. (By Ms. Steffan) When we went off the  
14 record, I think we had just established that you  
15 were at this scene and you would have been outside  
16 the line of officers and protective equipment; is  
17 that correct?

18 A. Yes.

19 Q. Let's play the video for a couple more  
20 minutes here, and maybe you may be able to identify  
21 yourself or maybe not.

22 I'm going to stop the video for a moment  
23 here. We're at 11:27:45.

24 Do you recognize any of those officers  
25 as yourself in the video at this point?

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1 A. (The witness shook his head.)

2 Q. Do you recognize any of the officers at  
3 all?

4 A. No. I can't even.

5 Q. You can't tell, for example, who this  
6 figure is in the middle here whose face is exposed?

7 A. No. I don't know who -- I don't know  
8 who that is, but I'm not in there.

9 Q. You don't see yourself.

10 This video, if I understand correctly,  
11 is mounted on a building; is that right?

12 A. I don't know.

13 Q. This --

14 A. Oh, this is the real -- is this the  
15 police department's?

16 Q. The police department produced this  
17 video. It is running on a kind of software called  
18 Genetec.

19 A. Uh-huh.

20 Q. Are you familiar with that software?

21 A. No.

22 Q. To the best of your knowledge, is this a  
23 Real Time Crime Center video?

24 A. No.

25 Q. You don't know? No, it's not?

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1 A. I mean, I -- no, I don't know.

2 Q. I am going to ask you, just based on  
3 your knowledge as an officer of St. Louis  
4 Metropolitan Police Department, I'm pointing to the  
5 officers who are facing away from us and who have an  
6 object in their right hands, these objects here,  
7 what are these?

8 A. Sticks.

9 Q. What kind of sticks?

10 A. A baton.

11 Q. Are they department-issued batons?

12 A. Yes.

13 Q. What is their use?

14 A. They use them during -- for civil dis --  
15 civil disobedience team uses those.

16 Q. Those are department issued to members  
17 of the civil disobedience team; is that correct?

18 A. Correct.

19 Q. I'm playing the video again. We're  
20 starting from 11:27:45.

21 Lieutenant, I'll ask you to direct your  
22 attention to these officers who are banging the  
23 sticks on the ground. Do you see that?

24 A. Uh-huh.

25 Q. I've stopped the video.

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1                   Based on your experience as a St. Louis  
2   metropolitan police officer, what is the purpose of  
3   banging the batons on the street?

4                   MR. WHEATON: Objection; form,  
5   foundation, calls for speculation.

6                   Q.    (By Ms. Steffan) You can answer.

7                   A.    I'm not part of the civil disobedience  
8   team.

9                   Q.    Is your testimony that you don't know  
10 why?

11                  A.    I don't know.

12                  Q.    Have you ever had any kind of training  
13 for civil disobedience events?

14                  A.    Yes.

15                  Q.    Did you have training with a baton as  
16 part of that civil disobedience training?

17                  A.    Yes.

18                  Q.    Were you ever instructed that you should  
19 bang your baton against the ground as part of that  
20 training?

21                  A.    Not the ground.

22                  Q.    Where were you instructed that you  
23 should bang your baton as part of that training?

24                  MR. WHEATON: Objection; form,  
25 foundation.

1           A.    At that time, it was a shield when you  
2   marched.

3           Q.    **(By Ms. Steffan) You were to bang your**  
4   **baton against your shield as you marched; is that**  
5   **what you're saying?**

6           A.    Yes.

7           Q.    **What was the purpose of doing that?**

8           A.    To gain compliance or -- so you gain  
9   compliance. It's a showing of -- it was used as if  
10  you're marching into a group or if you're going to  
11  move a group, it was used as a method of  
12  controlling.

13          Q.    **How does that effectuate control?**

14               MR. WHEATON: Objection; form,  
15  foundation, calls for speculation.

16          A.    I don't know.

17          Q.    **(By Ms. Steffan) Are those officers that**  
18   **you see depicted in that video marching into a**  
19   **group?**

20          A.    No.

21          Q.    **I'm going to start the video again.**  
22   **We're at 11:27:58. Lieutenant, I ask you to just**  
23   **watch for a minute or so here. If you do see**  
24   **yourself, will you identify yourself, please.**

25               I'm going to stop the video for one

1 second. I see that there is a figure now at  
2 11:28:30, on the right-hand side of the screen,  
3 wearing protective equipment and also a long-sleeved  
4 white shirt. Is that you?

5 A. No.

6 Q. Is that someone else who is a  
7 lieutenant?

8 A. It's a lieutenant or a captain. That's  
9 a uniform white shirt.

10 Q. Started the video again.

11 I'm going to stop the video again. Now  
12 we're at time stamp 11:30 p.m.

13 Have you seen yourself at all in the  
14 video?

15 A. No.

16 Q. Have you seen any officers you recognize  
17 in the video?

18 A. No.

19 Q. You were at this intersection at this  
20 time; is that correct?

21 A. Yes.

22 Q. Where were you in relation to the video?  
23 Do you know?

24 A. Yes.

25 Q. Where were you?

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1 A. A block down.

2 Q. You're a block north; is that correct?

3 A. Correct.

4 Q. Why are you a block north?

5 A. That was my position that I was given to  
6 control when they were effecting the mass arrest.

7 Q. You're with the bike response team; is  
8 that correct?

9 A. Correct.

10 Q. And all members of the bike response  
11 team who are working at this time are at that  
12 position with you; is that correct?

13 A. No.

14 Q. Where are the members of the bike  
15 response team deployed at this point?

16 A. I believe there is two squads. That's  
17 west. They're down here blocking.

18 Q. I think you're pointing to the north and  
19 east?

20 A. No. To the east. They're to the -- if  
21 this is the northwest corner.

22 Q. Yes. I think that's correct.

23 A. Okay. They're down here behind  
24 everybody.

25 Q. From your vantage point at that position

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1     where you were, not where your other members of the  
2     bike response team were, could you see the arrests  
3     that were being effectuated?

4             A.     I could see -- I could see people being  
5     marched out of the group in handcuffs, but I  
6     didn't -- I couldn't articulate exactly what was  
7     going on.

8             Q.     Sure.

9                     Approximately how many officers do you  
10    see in this video?

11            A.     I don't know. 60, 70.

12            Q.     To your knowledge, do you know how many  
13    officers, among all the different kinds of units,  
14    were deployed that evening at or near this  
15    intersection?

16            A.     Do I know how many, no.

17            Q.     Do you know approximately?

18            A.     No.

19            Q.     Do you know how many people were  
20    arrested at that intersection?

21            A.     No.

22            Q.     Have you ever read the incident report  
23    describing the arrest at that intersection?

24            A.     No.

25            Q.     How long did you remain at that



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1     **position, a block or so north of the Washington and**  
2     **Tucker intersection, that evening?**

3             A.     I don't know.

4             Q.     Do you know what time you ended work?

5             A.     No.

6             Q.     Did you work into the next morning? Do  
7     **you know?**

8             A.     We worked -- we worked well after the  
9     mass arrest was completed.

10            Q.     What did you do after that point?

11                   MR. WHEATON: Objection to form.

12            A.     Primary responsibility was to patrol  
13     downtown for -- there was multiple groups that were  
14     still roaming downtown. So we kept a police  
15     presence downtown.

16            Q.     **(By Ms. Steffan) When you say multiple**  
17     **groups, do you mean groups of civilians and**  
18     **protesters?**

19            A.     Yes.

20            Q.     **Protesters and non-protesters, or just**  
21     **protesters?**

22                   MR. WHEATON: Objection; foundation.  
23     Subject to that.

24            A.     I don't know who all was in the street  
25     that night.

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1 Q. (By Ms. Steffan) Fair enough.

2 If I can ask you to back up in time  
3 slightly. Do you know when you arrived at that  
4 point, about a block north of this intersection?

5 A. Before the --

6 Q. Before this arrest was effectuated?

7 A. Correct.

8 Q. Do you know when you arrived there?

9 A. As the civil disobedience teams were  
10 coordinating with each other for the mass arrest, I  
11 took over the location of Lucas and Tucker, which  
12 was an extended period. I don't know.

13 Q. Something longer than an hour?

14 A. No. Less than an hour.

15 Q. At the place where you were on that  
16 line, I'm -- my understanding is you and other  
17 members of the bike response team were in a line; is  
18 that correct?

19 A. Correct.

20 Q. And you were blocking both the sidewalk  
21 and the street at that point; is that correct?

22 A. No.

23 Q. The sidewalk was open?

24 A. Yes.

25 Q. At what point did the sidewalk close, or

1 was it never closed?

2 A. We never closed it.

3 Q. Did you encounter any pedestrians at  
4 that line?

5 A. Yes.

6 Q. Many pedestrians? A few? One?

7 A. At that location I saw several, several  
8 groups, singles, several.

9 Q. Did you speak with any pedestrians while  
10 you were at that line?

11 A. No.

12 Q. Did any pedestrians go past you on the  
13 sidewalk?

14 A. Yes.

15 Q. How many pedestrians went past you on  
16 the sidewalk approximately?

17 A. I don't know. Numerous.

18 Q. You and the other members of the bike  
19 response team were at that point blocking the  
20 street; is that correct?

21 A. Blocking Lucas. We were blocking  
22 pedestrian and vehicular traffic eastbound on Lucas.

23 Q. So you were -- you had created a line  
24 that went north-south, is that correct, or you  
25 created a line that went west-east?

1 A. North-south.

2 Q. North-south.

3 And you were on the east side of the  
4 intersection with Washington; is that correct?

5 A. Yes.

6 Q. Were there cars trying to go past you  
7 one way or the other?

8 A. Not that I recall.

9 Q. Were there cars trying to go north or  
10 south on Washington?

11 A. Not that I recall.

12 Q. Did you have your bicycles at that  
13 point?

14 A. Yes.

15 Q. And were you using your bicycles, if I  
16 can sort of demonstrate, sort of perpendicular in  
17 front of you like this?

18 A. Yes.

19 Q. Were you also working during a  
20 demonstration or a protest on September 28th or 29th  
21 of 2017 on Broadway? Do you recall?

22 A. I don't know.

23 Q. How about an action on October 3rd near  
24 or on a highway? Were you working?

25 A. I'm unable to tell by the dates.

1           Q.    Have you ever been -- in the last year  
2   and a half, let's say, have you ever been deployed  
3   at an action where protesters attempted to block the  
4   highway?

5           A.    Yes.

6           Q.    Do you recall if that was before or  
7   after the Stockley verdict?

8           A.    After.

9           Q.    What happened there?

10          A.    A large number of people walked onto the  
11   highway, and the bikes -- the bike unit became  
12   involved when they exited the highway on a mass  
13   arrest.

14          Q.    Did you arrest people as part of that  
15   action?

16          A.    Yes.

17          Q.    How many individuals did you arrest?

18          A.    I, I did not personally arrest people.

19          Q.    I see.

20                   Members of the bike unit arrested  
21   people?

22          A.    I think we, we -- the bike unit  
23   assisted, but they were not the primary arresting  
24   unit.

25          Q.    I see.

1                   What was the role of the bike unit at  
2   that action?

3           A.    To assist the civil disobedience teams.

4           Q.    In effectuating the arrests or something  
5   else?

6           A.    Correct.

7           Q.    Have you patrolled other public  
8   demonstrations or protests during your tenure as an  
9   officer of St. Louis Metropolitan Police Department?

10          A.    Yes.

11          Q.    How many approximately?

12          A.    What was your question again?

13          Q.    Have you patrolled other protests or  
14   demonstrations during your tenure at SLMPD?

15          A.    Is that including the Stockley or --  
16   dozens.

17          Q.    Dozens including the Stockley protest;  
18   is that what you're saying?

19          A.    Dozens, yes.

20          Q.    How many -- approximately how many  
21   protests have you patrolled that were unrelated to  
22   the Stockley verdict?

23          A.    Dozens.

24          Q.    What is your understanding of when you  
25   can use pepper spray against an individual?

1 MR. WHEATON: Objection; form and  
2 foundation.

3 A. Against an individual? If they're -- if  
4 I'm addressing an individual that is committing a  
5 crime, interfering, I can address them with pepper  
6 spray.

7 Q. (By Ms. Steffan) You said committing a  
8 crime, interfering. Are those one or the other or  
9 do they have to be doing both things in order for it  
10 to be appropriate to use pepper spray?

11 A. They would have to -- either one would  
12 be a crime.

13 Q. Are there other -- based on your  
14 experience as a police officer, are there other  
15 limitations on when you can use pepper spray, or any  
16 time a person is interfering or committing another  
17 crime, is it okay to use pepper spray?

18 MR. WHEATON: Objection; form and  
19 foundation, calls for speculation.

20 A. I'm unsure exactly what you're asking.

21 Q. (By Ms. Steffan) It's a complicated  
22 question. I can understand that.

23 Are you -- you just testified that you  
24 may use -- you may use pepper spray if a person is  
25 committing a crime, one crime of which might be

1       interfering with an officer; is that correct?

2               A.     Correct.

3               Q.     But you're not saying every time a  
4       person is committing a crime it is appropriate to  
5       use pepper spray; is that correct?

6               A.     That would be correct.

7               Q.     What other limitations are there on the  
8       use of pepper spray? What has to be true for it to  
9       be appropriate to use pepper spray?

10              MR. WHEATON: Same objection, calls for  
11     speculation, absence of specific facts and  
12     circumstances for deployment.

13              A.     I do not understand the question.

14              Q.     (By Ms. Steffan) Let's make it  
15     non-hypothetical.

16              A.     Yes.

17              Q.     Let's go back to the bus extraction.

18              A.     Yes.

19              Q.     You used pepper spray through a  
20     streamer?

21              A.     Yes.

22              Q.     On several occasions?

23              A.     Yes.

24              Q.     Why did you do that?

25              A.     The people that I addressed with pepper



1 spray were interfering with officers or assaulting  
2 officers or grabbing the assault -- the officers'  
3 equipment bikes, impeding the -- impeding the  
4 officers on making the bus extraction. Therefore,  
5 they were addressed -- I addressed them with pepper  
6 spray at that time to stop their actions.

7 Q. When you say you addressed them with  
8 pepper spray, you mean you shot the streamer; is  
9 that correct?

10 A. I sprayed them, yes.

11 Q. When I started that question, and I was  
12 asking about what circumstances make it appropriate  
13 to use pepper spray, we were discussing when it was  
14 appropriate to use pepper spray against an  
15 individual; is that correct?

16 A. Yes.

17 Q. Are there different circumstances in  
18 which it is appropriate to use pepper spray against  
19 a crowd?

20 A. Yes.

21 Q. When is it okay to use pepper spray  
22 against a crowd?

23 A. When a crowd becomes violent, there is  
24 a -- we have a special order on it during these  
25 times. If it's considered a violent crowd and

1     you're trying to disperse the crowd, there's  
2     specific -- there's specific things that you have to  
3     do, which we have three -- make up 3-by-5 cards when  
4     we're doing this to make sure we have it and what we  
5     have to say via loud speaker to make sure everybody  
6     knows.

7             **Q.     You said it would be appropriate to use**  
8     **pepper spray in such a situation if the crowd were**  
9     **violent; is that correct?**

10            A.     At which point?

11            **Q.     Those limitations that you're**  
12     **describing, the instructions that you have to give**  
13     **members of a crowd, those occur when a crowd is**  
14     **violent; is that correct?**

15            MR. WHEATON: Objection; foundation,  
16     calls for speculation.

17            A.     If it has been deemed that it is a  
18     unlawful assembly and you're trying to do a crowd  
19     dispersal, you have to announce -- give them an  
20     avenue of moving.

21            **Q.     (By Ms. Steffan)   What makes a crowd an**  
22     **unlawful assembly?**

23            MR. WHEATON: Objection; foundation,  
24     calls for speculation.

25            **Q.     (By Ms. Steffan)   You can answer.**

1           A.     There's specific things within our --  
2     within our special orders.  If there's -- if they're  
3     engaging in illegal activity and it's deemed --  
4     there, there's a checklist, you have to read over  
5     the checklist, check everything.  If everything's  
6     met, then it's an unruly -- it's an unlawful  
7     assembly.

8           **Q.     What are the things on the checklist?**

9           A.     I don't know exactly.

10          **Q.     Can you name any of them?**

11          A.     Yes.  It's violation of law, violence.  
12     That would be it.

13          **Q.     There might be other things, you just**  
14     **don't recall what they are?**

15          A.     Correct.

16          **Q.     When you have to make a determination**  
17     **about whether a crowd is violent, what types of**  
18     **things count as violence?**

19                 MR. WHEATON:  Objection; foundation.  
20     There's no foundation that he is responsible for  
21     making that determination.

22          **Q.     (By Ms. Steffan)  If you know, you can**  
23     **answer.**

24          A.     What is determined -- one more time.

25                 MR. WHEATON:  You can ask her to read

1 the question back if you'd like.

2 A. What makes it a crowd? If they're  
3 throwing rocks and they're acting in unison together  
4 and we're trying to disperse a crowd, that would be  
5 it.

6 Q. (By Ms. Steffan) Let's take a  
7 hypothetical situation. Say you have a crowd of ten  
8 people and one person throws a rock. Is it okay to  
9 use pepper spray against the crowd under those  
10 circumstances?

11 MR. WHEATON: Objection; foundation,  
12 calls for speculation. It's an improper  
13 hypothetical.

14 A. I, I would -- I would need more  
15 specifics on exactly what's going on.

16 Q. (By Ms. Steffan) What kinds of  
17 information would you need?

18 A. Exactly what the crowd is doing, are  
19 they acting in unison.

20 Q. How do you determine if the crowd is  
21 acting in unison?

22 MR. WHEATON: Objection; foundation,  
23 calls for speculation again, absent specific  
24 context.

25 A. Specifically -- I, I would need

1 specifics on which -- is there an incident we're  
2 speaking of or just a hypothetical?

3 **Q. (By Ms. Steffan) I'm speaking**  
4 **hypothetically, and I'm not asking you to make a**  
5 **determination. What I'm asking you is: What kinds**  
6 **of information would you be looking for in order to**  
7 **make a determination about whether a crowd is acting**  
8 **violently or not?**

9 A. Personally?

10 **Q. Yeah, personally.**

11 A. Yes. If you have a group that's  
12 throwing rocks and other people are acting in  
13 unison, even though they're not throwing rocks, but  
14 they're foiling, foiling the offenders that are --  
15 that are throwing the rocks, foiling them -- the  
16 police from responding to them or acting as shields  
17 where they stand up in front of you and then guys  
18 are throwing rocks over, it's not usually the people  
19 in front, but that would -- my determination would  
20 be that they're acting in unison together.

21 **Q. Is it your understanding that if you**  
22 **deploy a chemical agent while you're on duty, that**  
23 **you need to write a report about it?**

24 A. A chemical agent?

25 **Q. What does chemical agent mean to you?**

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1           A.    A chemical agent can be an irritant or a  
2 chemical. So are, are we speaking of the irritant?

3           **Q.    Is pepper spray a chemical agent?**

4           A.    I would consider it an, an irritant,  
5 yes. So for the sake of this conversation, we can  
6 say it's a chemical agent.

7           **Q.    Is tear gas a chemical agent to you?**

8           A.    Yes.

9           **Q.    And is OC spray, oleoresin capsicum  
10 spray, pepper spray, no matter how it is deployed,  
11 is that a chemical agent to you, whether it's a  
12 streamer or a fogger or --**

13          A.    Sure. Yes.

14          **Q.    Yes?**

15          A.    Yes.

16          **Q.    Is it your understanding that you are  
17 required to write a report if you deploy a chemical  
18 agent while you are on duty?**

19          A.    Yes.

20          **Q.    Are you familiar with a St. Louis City  
21 ordinance about traffic obstruction or interference?**

22          A.    Yes.

23          **Q.    Are you aware that that ordinance makes  
24 it a crime to obstruct or impede traffic?**

25          A.    Yes.

1           Q.    What is your understanding of when a  
2   person is violating that ordinance? What do they  
3   have to be doing in order to be violating the  
4   impeding or obstructing traffic ordinance?

5           MR. WHEATON: Objection; foundation,  
6   calls for speculation.

7           A.    Are you wanting a hypothetical?

8           Q.    (By Ms. Steffan) I want to know what  
9   elements you think have to be present for a person  
10   to be violating that ordinance.

11          MR. WHEATON: Same objection.

12          A.    That they're impeding the flow of  
13   traffic. If their actions are causing traffic to  
14   not be able to use that thoroughfare, they're  
15   impeding the flow of traffic.

16          Q.    (By Ms. Steffan) Can a person be  
17   impeding or obstructing traffic if the road is  
18   closed?

19          A.    If their actions are causing the road to  
20   be closed, they would be impeding the flow of  
21   traffic.

22          Q.    Can a person be impeding or obstructing  
23   traffic if they're on a sidewalk?

24          A.    Yes.

25          Q.    If a person is standing still on a

1 sidewalk, are they impeding or obstructing traffic?

2 MR. WHEATON: Objection; form, calls for  
3 speculation.

4 A. I'm unsure what the question is.

5 Q. (By Ms. Steffan) If a person is standing  
6 still on a sidewalk, are they obstructing traffic?

7 MR. WHEATON: Objection; form,  
8 foundation, improper hypothetical.

9 A. That in itself, no.

10 Q. (By Ms. Steffan) What else has to be  
11 present for them to be obstructing traffic?

12 A. If they're blocking -- if they're  
13 blocking the sidewalk. So one person, no, but if  
14 you have multiple people acting in unison, they're,  
15 they're impeding the flow of the sidewalk.

16 Q. How do you tell if people are acting in  
17 unison?

18 MR. WHEATON: Objection; form.

19 A. When you're giving orders for them to  
20 move and they don't move and they're blocking -- and  
21 they're blocking the sidewalk.

22 Q. (By Ms. Steffan) What is your  
23 understanding of when you can order people to move  
24 on a sidewalk?

25 A. I'm not sure --



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1 MR. WHEATON: Can you read that question  
2 back for me. I'm sorry.

3 (The pending question was read back by  
4 the court reporter.)

5 MR. WHEATON: Make an objection to form,  
6 foundation and it calls for speculation.

7 A. Okay. I can -- it's my understanding we  
8 can move people when it's a public safety issue  
9 or -- a public safety issue. So when we move  
10 somebody from a sidewalk, you're either impeding the  
11 flow or they're impeding the flow -- if they're  
12 impeding the flow and it's causing a public safety  
13 issue.

14 Q. (By Ms. Steffan) What is a public safety  
15 issue?

16 A. It would depend on the circumstance.

17 Q. Can you give me an example of a public  
18 safety issue?

19 A. If a civil disobedience team is trying  
20 to move on a sidewalk and everybody's -- and people  
21 are blocking the sidewalk and they're giving lawful  
22 orders to move, they're interfering and -- impeding  
23 the flow of the sidewalk and interfering with an  
24 officer.

25 Q. If I understand correctly, you're saying

1 if an officer is trying to get by and the officer  
2 can't get by, that would be impeding the flow of  
3 traffic; is that correct?

4 A. That would be, too, yes.

5 Q. Is that the situation you just described  
6 or do I have it wrong?

7 A. I used a hypothetical of a civil dis --  
8 civil disobedience team or a policing element trying  
9 to move down a sidewalk that is being blocked by  
10 people and they were giving orders to move, they  
11 would be in violation -- they would be impeding the  
12 flow of traffic on the sidewalk as well as  
13 interfering with an officer.

14 Q. You mentioned earlier that if you are --  
15 let me back up a second.

16 You testified earlier that if a crowd is  
17 deemed to be an unlawful assembly and asked to  
18 disperse, there are certain things you have to do  
19 before you can actually disperse the crowd; is that  
20 correct?

21 A. Correct.

22 Q. Those are warnings that would be given  
23 over a loud speaker; is that correct?

24 A. Correct.

25 Q. And you mentioned the 3-by-5 cards I

1 think. Those have the text of the warning on  
2 them; is that correct?

3 A. Correct.

4 Q. Do you know the elements that that  
5 warning has to include?

6 A. Yes.

7 Q. What are those elements?

8 A. You identify yourself, that it's been --  
9 identify yourself, tell the crowd what the violation  
10 is and the avenue of exit, where to go.

11 Q. Do you know how long a dispersal order  
12 remains in effect, how long people have to stay out  
13 of the area?

14 A. Until the activity ceases.

15 Q. What does that mean?

16 A. If you have a riotous crowd and you tell  
17 them to leave the area and they don't leave, or they  
18 move one, one block over or 10 feet over and  
19 continue their, their activity, that would not be  
20 dispersing.

21 Q. So 10 feet over, not dispersing; is that  
22 correct?

23 A. They have to leave the area.

24 Q. How big is the area?

25 MR. WHEATON: Objection; form,

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1 foundation, calls for speculation.

2 A. It would depend -- it would depend on  
3 the situation.

4 Q. (By Ms. Steffan) Is a block away -- have  
5 you left the area if you are a block away?

6 MR. WHEATON: Same objection.

7 A. It depends on the situation.

8 Q. (By Ms. Steffan) So that might be  
9 leaving the area, but it might not be, depending on  
10 the circumstances?

11 MR. WHEATON: Same objection.

12 A. Correct.

13 Q. (By Ms. Steffan) Is that information  
14 included in the warning that you described, how far  
15 away the person has to go?

16 A. No. It gives -- we were giving avenues  
17 of exit --

18 Q. Does it tell --

19 A. -- to leave the area.

20 Q. Does the warning contain information  
21 about how long the person has to remain out of the  
22 area?

23 A. No.

24 Q. Do you agree that people in St. Louis  
25 have a First Amendment right to protest?

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1 MR. WHEATON: Objection. Go ahead. Go  
2 ahead.

3 A. Absolutely.

4 Q. (By Ms. Steffan) Does that include the  
5 right to protest the actions of police officers  
6 themselves?

7 A. Yes.

8 Q. Does that include the right to protest  
9 on sidewalks?

10 A. Yes.

11 Q. And on streets as well?

12 MR. WHEATON: Just going to object to  
13 foundation and that it calls for speculation again,  
14 absent specific context.

15 A. I'm unsure of the question.

16 Q. (By Ms. Steffan) Do people have a right,  
17 protected by the First Amendment, to protest in  
18 streets in the City of St. Louis?

19 MR. WHEATON: Same objection.

20 A. That would -- that would depend.

21 Q. (By Ms. Steffan) Sometimes do they have  
22 that right?

23 A. Yes.

24 Q. Who decides what streets and what  
25 sidewalks people can protest on?

1 MR. WHEATON: Objection; calls for  
2 speculation.

3 A. I don't know.

4 Q. (By Ms. Steffan) Did you patrol the  
5 women's march in January of 2017 in downtown  
6 St. Louis?

7 A. Yes.

8 Q. Were people blocking the street during  
9 that protest?

10 A. Yes.

11 Q. Did you deploy chemical agents against  
12 anyone during that protest?

13 A. No.

14 Q. Even though they were blocking the  
15 street?

16 A. Correct.

17 Q. Did you arrest anyone at that protest?

18 A. Yes.

19 Q. How many people did you arrest?

20 MR. WHEATON: Are you asking if he  
21 personally arrested anyone?

22 MS. STEFFAN: Yeah.

23 Q. (By Ms. Steffan) How many people did you  
24 personally arrest?

25 A. I arrested one.

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1           Q.    What was that person doing that caused  
2   them to be arrested?

3           A.    When the street was opened up, refused  
4   to get out of the street.

5           Q.    Who had opened up the street?

6           MR. WHEATON: Are you asking who  
7   physically removed barricades, or are you asking who  
8   made the decision?

9           Q.    (By Ms. Steffan) Who made the decision  
10   to open up the street?

11          MR. WHEATON: If you know.

12          A.    I don't know.

13          Q.    (By Ms. Steffan) Do you know if it was  
14   the police department that made that decision or  
15   someone else?

16          A.    I don't know.

17          Q.    You weren't involved in that decision?

18          A.    No.

19          Q.    Were you involved in the decisions to  
20   open or close streets during the protests related to  
21   the Stockley verdict?

22          A.    Can I have that question one more time?

23          Q.    Sure.

24                Were you personally involved in any  
25   decisions to open or close streets during the

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1     **Stockley verdict protests?**

2                   MR. WHEATON:  Objection; form.

3                   A.     Yes.

4                   **Q.    (By Ms. Steffan)  Do you recall a**  
5     **specific instance in which you opened or closed a**  
6     **street, related to the Stockley verdict?**

7                   A.     We closed -- the groups of protesters  
8     were marching from exit -- entrance ramps and exit  
9     ramps, trying to get onto the highway, and we were  
10    staying ahead of them and putting up lines to keep  
11    them from going up on the highway.

12                  **Q.    Do you remember opening or closing any**  
13    **other street where you personally were involved in**  
14    **the decision during the protests after the Stockley**  
15    **verdict?**

16                  A.     Yes.

17                  **Q.    When was that?**

18                  A.     At Ninth and Olive.

19                  **Q.    On September 17th -- on the Sunday?**

20                  A.     That Sunday.

21                  **Q.    Do you recall any other times where you**  
22    **made a decision to open or close the street related**  
23    **to the protests after the Stockley verdict?**

24                  A.     Yes, numerous.

25                  **Q.    Numerous times?**



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1 A. Yeah.

2 Q. Have you personally sent any emails in  
3 which you describe the police response to the  
4 Stockley verdict protests?

5 MR. WHEATON: Objection; form.

6 A. Can I have that one more time?

7 Q. (By Ms. Steffan) Sure.

8 Have you sent any emails in which you  
9 discuss or describe the police response to the  
10 Stockley verdict protests?

11 MR. WHEATON: Same objection.

12 A. Not that I'm aware of.

13 Q. (By Ms. Steffan) Have you received any  
14 emails in which the police response to the Stockley  
15 verdict protests has been discussed?

16 A. Not that I'm aware of.

17 Q. Considering the police response to the  
18 Stockley verdict protest as a whole, would you do  
19 anything differently than you did then today if the  
20 same events occurred?

21 MR. WHEATON: Objection; form,  
22 foundation, calls for speculation.

23 A. I don't know.

24 Q. (By Ms. Steffan) Are you aware that the  
25 court issued a preliminary injunction in this case?

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1 A. Yes, ma'am.

2 Q. How did you find out about that?

3 A. At a meeting.

4 Q. A meeting of who?

5 A. A meeting in headquarters.

6 Q. So command staff; is that accurate --

7 A. Yes.

8 Q. -- to say?

9 A. Command staff.

10 Q. To the best of your understanding, what  
11 does the preliminary injunction tell you about what  
12 you should do differently in your day-to-day  
13 actions?

14 MR. WHEATON: Objection; form and  
15 foundation, calls for speculation. A preliminary  
16 injunction order speaks for itself.

17 A. I don't know.

18 Q. (By Ms. Steffan) Do you do anything  
19 differently when you're patrolling today as opposed  
20 to before the preliminary injunction was issued, as  
21 a result of the preliminary injunction?

22 MR. WHEATON: Objection to form. It's  
23 vague.

24 A. Not to my knowledge.

25 MS. STEFFAN: Can we go off the record a

1 second?

2 (A discussion was held off the record.)

3 Q. (By Ms. Steffan) Lieutenant, do you know  
4 if there is a minimum number of people to be an  
5 unlawful assembly?

6 MR. WHEATON: Objection; form,  
7 foundation, calls for speculation.

8 A. No.

9 Q. (By Ms. Steffan) Directing your  
10 attention to the afternoon of September 15th, 2017.  
11 You testified earlier that you deployed your  
12 streamer against approximately five to six  
13 individuals on that afternoon; is that correct?

14 A. Yes.

15 Q. Did you provide decontamination to any  
16 of those individuals?

17 A. No.

18 Q. And I would like to direct your  
19 attention to the whole of your deployment during the  
20 Stockley verdict protests. During that experience  
21 as a whole, did you personally see any officer  
22 deploy a chemical agent in a situation you believed  
23 was unreasonable?

24 MR. WHEATON: Objection to form,  
25 foundation. Subject to that.

1 A. No.

2 MS. STEFFAN: No more questions.

3 MR. WHEATON: Give me one second.

4 CROSS-EXAMINATION

5 BY MR. WHEATON

6 Q. Lieutenant, you were asked a number of  
7 questions with regards to the difference between  
8 civil unrest or civil disobedience. Do you recall  
9 ever, one way or the other, ever having been trained  
10 with regards to the definition of either of those  
11 terms?

12 A. No.

13 Q. So you were answering just strictly  
14 based on your personal understanding of what those  
15 terms mean as you sit here today; is that right?

16 A. Yes.

17 MR. WHEATON: Thanks. That's all I  
18 have.

19 MS. STEFFAN: Nothing.

20 THE COURT REPORTER: Signature?

21 MR. WHEATON: So, Lieutenant, you have  
22 the right, if you'd like, to review this transcript  
23 for typographical errors, or you can trust that the  
24 court reporter took everything down correctly. I  
25 typically recommend that people waive their right to

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1 review and sign. That choice is up to you. If you  
2 do choose to trust she take it down correctly, you  
3 just tell her you waive, and if not and you'd like  
4 to read the transcript, you say you'll read.

5 THE WITNESS: Do I stay here for five  
6 more hours?

7 MR. WHEATON: No.

8 MS. STEFFAN: You don't read it right  
9 this second.

10 MR. WHEATON: No.

11 MS. STEFFAN: You will have a chance to  
12 do that.

13 MR. WHEATON: She would send it to you.

14 THE WITNESS: I'm kidding. I'll waive.

15 (The deposition concluded at 11:31 a.m.)

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CERTIFICATE OF REPORTER

I, Amanda N. Farrar, a Certified Court Reporter for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

---

Certified Court Reporter

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